

2

T H E
Dueties of Constables , Borshol-
ders, Tythingmen, and such
other lowe Ministers
of the Peace.

Whereunto be also adioyned the seuerall offi-
ces of Churchwardens: of Surueyors for amending
the highways: of Distributors of the prouision for
noysome Foule and Vermin: of the Collectors, O-
uerseers, and Gouvernours of the Poore : and of the
Wardeins and Collectors for the houses of Cor-
rection.

First collected and pennied by WILLIAM
LAMBERD of *Lincolnes Inne Gent.* 1582.
and now enlarged by the same Authour.



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1 5 9 4.

Cum Priuilegio Regiæ
Maiestatis,

[illegible]

and now enlarged by the same Author.
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(Faint mirrored text from reverse side)

Quintus Regius

37

The dueties of Constables,
Borsholders, Tythingmen,
and such other low Mini-
sters of the Peace.



Vnderstanding by The pre-
sundrie friendes of face.
mine, that manie
well disposed men
do earnestlie wish,
that some one shor-
t and plaine collecti-
on might be made
of the dueties of High Constables, petie
Constables, Borsholders, Tythingmen,
Headborowes, and such like inferiour Mi-
nisters of the Quenes Maiesties peace;
to the end that when any of them should
be called to any of the said offices (or the
like) they might the better behaue them-
selues in doing the same: I haue thought
it a thing worthy the labour, to send a-
broad among them thys litle Treatise,
which I haue drawen to satisfie in some
part their honest desire: heartilie praying
vnto God, that as their knowledge may
be increased in the reading hereof, so also
their diligence may be amended in the
practise of the same, to the setting forth of
the glorie of God, and to the aduancement
of

4 The duties of Constables,
of the Duties & Duties service in this
behalf.

the diui-
on of this
work.

-argued T

2 And because I purpose (by the helpe
of God) to make this worke so short, and
so plaine withall, as the matter thereof it
selfe will suffer me, and as the vnderstan-
ding of vnlearned men doth require: I wil
first speake somewhat both of the sundrie
names & beginnings of these officers, and
then afterward I will go in hand with the
parts of their seuerall duties.

The
names of
these Of-
ficers.

3 The sundrie names of Constables, or
High Constables, that be of Lathes, Rapes,
Wapentakes, Hundreds, & Franchises: and
the diuerse names also of Constables, petie
Constables; Tythingmen, Borholders,
Borocheads, Headbories, Chiefe pledges,
& such other (if there be any) that beare of-
fice in towns, parishes, hamlets, tithings
or borowes (soz of Constables of Castles,
otherwile called Castellanes, & such others,
I meane not to entreat) are all (in effect)
but two, that is to say, Constables and Bor-
holders: soz these two words do containe
as much as all the rest of those names, and
to those two all the rest of them may be re-
duced: and therefore, in speaking seuerally
of those two, I will passe along and touch
all the rest also.

Constables
name.

4 The name Constable, is made (as I
haue

hane read) of two English words put together, namely, Cuning, (or Cyng) & Staple, which do signifie, the stay (or hold) of the king. For by the auncient custome of this Realme, there is a great officer, called the Constable of England, who by meanes of the high authoritie that he had, was a principall stay vnto the Kings gouernment: and this man had iurisdiction & authoritie in deedes of Armes, and matters of warre, both within & without the Realme. Out of which office, this lower Constableship was at the first drawen & fetched, and is (as it were) a verie finger of that same hand. For the statute of *Winchester*, which was made in the time of King Edward the first, & by which these lower Constables of Hundreds and Franchises were first ordained, doth (amongst other things) appoint, that for the better keeping of the Peace, two Constables in euery Hundred & Franchise, should make the view of Armour.

So then, the name of Constable in a Hundred or Franchise doth meane, that he is an officer, that supporteth the Queenes Maiestie in the maintenance of her peace, within the precinct of his hundred or franchise: and he is many times called the high Constable, in comparison of the Costables, or Perie Constables, that be in the towne

His beginning

6 The duties of Constables,

or parishes within his hundred or franchise: whose part it likewise is, to maintain the peace within the severall limits of their owne townes, or parishes.

or shol-
ers name

5 As touching Borsholder, (which is the other general name, & doth contain within it the meaning of Tythingmen, Borowheads, Headborowes, Thirdborowes, and chiefe pledges) that also is made up of these two English words, Borhes, and Ealder, of the which, Borhes betokeneth pledges, and Ealder signifieth the Chiefe, the Head, or the Ealder: and Borshesealder in one word, doth meane the chiefe (or head) of the suerties, or pledges.

His two
offices.

6 But now, that you may the better understand what is meant by this, you must further know, that everie of these Borsholders, Tythingmen, Borowheads, Headborowes, Thirdborowes, and Chiefe pledges, hath two severall offices at this day: the one being his auncient and first office, and the other his latter made office.

His first
office.

7 His first office began thus: by the auncient Lawes of this realme (before the coming in of King William the Conquerour) it was ordeined for the more sure keeping of the Peace, & for the better representing of theues & robbers, that all free born men should cast themselves into severall compa-
*Archaio-
nomia.*

companies, by ten in each company: and that euerie of those tenne men of the companie should be suertie and pledge for the forth-coming of his fellowes: so that if any harme were done by any of these ten against the peace, then the rest of the ten should be amerced, if he of their companie that did the harme should lie, and were not forth-coming to aunswere to that wherewith he should be charged.

And for this cause, these companies be yet in some places of England (and namely with vs in Kent) called Boroes, of the said word Borhes, pledges, or suerties: albeit in the westerne partes of the realme they be commonly named Tythinges, because they containe (as I tolde you) the number of tenne men with their families. And euen as tenne times tenne doe make an hundred: so, because it was the also appointed that tenne of these companies shoulde at certaine times meete together for their matters of greater waight, therefore that generall assembly (or court) was (and yet is) called a Hundred.

Furthermoze it was then also ordained, that if any man were of so euill credite, that he could not get himself to be receiued into one of these Tythinges or Boroes, then he should be shut by in prisō, as a man vn-

8. The duties of Constables,

worthy to live at libertie, amongst men abroad.

Tithing-
man.
Headbo-
row, &c.

8. Now whereas every of these Tychings (or Boroës) did use to make choise of one man amongst themselves, to speake, & to do: in the name of them all: he was therefore in some places called the Tychingman, in other places the Boroës Ealder (whom we now call Borsholder) in other places the Boroëhead or Headborow, & in some other places the Chiefe pledge, which last name both plainly expound the other three that are next before it: for Head or Elder of the Boroës, and chief of the pledges, be al one, And in some shires, where every Thirdborowe hath a Constable, there the officers of the other two be called Thirdborowes.

Olde or-
ders in
Tychings

9. Moreover, in these Tychings (or Boroës) sundrie good orders were observed, & amongst others: first, that every man of the age of xij. yerres should be swozne to the King: that then no man should be suffered to dwell in any towne or place, unless he were also received into some such suretiship & pledge as is aforesaid. Thirdly, that if any of these pledges were imprisoned for his offence, then he ought not to be delivered without the assent of the rest of his pledges. Again, that no man might remoue out of one Tyching (or Boroë) to dwell

Itin. Kac.

vid. 45.

Ed. 3. 27.

Et Kutch.

Fol. 12.

dwel in an other, without lawfull warrant in that behalfe. Lastly, that euery of these pledges shoulde perely be presented and brought forth by their chiefe pledge at a general assembly for that purpose, which we yet in remembrance therof do call, the View of Franke pledge, or the Leete court.

10 Hitherto I haue opened the ancient office of the Borsholder, Tythingman, & the rest, whereof also there is yet to this day some shewe or remnant in our Leetes or Law daies; but if the very substance thereof were thoroughly performed (as I know no let, but that by law it may) then should the peace of the land be much better maintained then now it is.

As touching the latter office that these Borsholders, Tithingmē, Headborows, Borobeads, Thirdboroes, and chiefe pledges haue, it is in maner al one with the office of a Constable of a towne, or parish, which is commonly named a petie Cōstable, or vnder Constable, because he is a smal Constable, in respect of the Constable of his hundred, within whose limit he is. For as about the beginning of the raigne of King Ed. the iij. petie Constables were deuised in townes and parishes for the ayde of the Constables of the Hundred: so of latter times also, Borsholders, Tythingmen, Head-

His latter
office

10 The duties of Constables,

Headborowes, and such like haue bin vsed as petie Constables within their owne borowes and tythings. And yet not so vniuersally, but that some of them haue at this day none other but their old office. For in some of the Westerne parts of Englande, you shal see, that where there be many Tythingmen in one parish, there onely one of them is a Constable for the Queene, and the rest do serue but as the auncient Tythingmen did. Now therefore, hauing spoken of the names and beginnings of these inferiour officers of the peace, let vs also come to the parts of their common and seuerall duties.

Diuision
of their
office.

II For as much as a great and chiefe part of the dutie both of these high Constables, of Lathes, Rapes, wapentakes, Hundreds, and franchises; and also of these Constables, Petie Constables, Tythingmen, Borsholders, Boroweheades, Headborowes, Thirdborowes, chiefe pledges, and such like ministers, by whatsoeuer other names they bee called in any townes, parishes, Tythings, Wozoues, Hamlets, or other places of the Realme, doeth consist in the maintenance of the Queenes Maiesties peace, wherein (as also in some other pointes) the power of them all is a like, and but one, within their seuerall

all limits and places of authoritie: therefore I thinke it good to shew, first, what their common and equal duetie is in matters concerning the peace, either by their owne authoritie, or vnder the authoritie of others: then after ward to declare, what their common and like duetie is in some other thinges not concerning the peace: lastly, to open those things wherein they haue a distinct and seueral duetie, one from another of them.

12 The Conseruation (or maintenance) of the peace, standeth in three things, that is to say: first, in foresaying that nothing be done, that tendeth either directly, or by meanes, to the breach of the peace: secondly, in quieting or pacifying those that are occupied in the breach of the peace: & thirdly, in punishing such as haue already broken the peace.

Their office concerning the Peace.

And here, least any man should be deceived in not vnderstanding what is meant by these wordes, The breach of the Peace, he must first of al know, that by the breach of the peace, is vnderstood, not onely that fighting, which we commonly call the breach of the peace, but also, that euery murder, rape, manslaughter, & felony what soeuer, and euery affraying (or putting in feare) of the Queenes people, whether it be

What is the breach of the Peace.

12 The duties of Constables,

be by vnlawfull wearing of Armour, or by assembling of people to do any vnlawfull act, are taken to be disturbances or breaches of the Peace.

To preuent things against the Peace.

13 But now, for the better preventing that nothing be done against the Peace, any of these Officers aforesaid may take (or arrest) suspected persons, which walke in the night, and sleepe in the day: or which do haunt any house, where is suspicion of bauderie: and they may carrie them before a Justice of the Peace, to find suerties of their good behavio^r. And if any such Officer be not of sufficient strength to do that alone, then may he take more ayde of his neighbors thereto: and they, in such cases, be compellable to helpe and assist him. 13. H. 7. 10. Ch.

Any of these Officers may also arrest such strange persons as do walke abroad in the night season: and for that cause the said Statute of Winchester did ordaine, that night watches should be kept verely, from the feast of the Ascension untill Michaelmas, by fire men at euery gate of euery Citie, by twelue men in euery Borough towne, and in euery other towne by fire men, or sower men, or according to the number of inhabitants in the town, al the night long, from Sunne setting to Sunne rising: So that if any stranger did passe, he should

Fit. 14. 1. del P. 17

13. Ed. 1.

should be arrested till the morning, and then set at large (if no suspicion were found of him) but if any suspicion fell out against him, then he should be imprisoned, till he might bee lawfully deliuered. And of these Watches, the officers before named haue the charge within the limits (or places) of their authorities, as the Constable in his Towne, the Borholder in his Borow, and the high Constable within all his Hundred: and these Officers ought to see these Watches duely set & kept, and ought also to raise Hue and Crie to be raysed after such as will not obey the arrest of such watchmen.

Againe, if any person whatsoever (except the Queenes seruants and ministers in her presence, or in executing her precepts, or other offices, or such as shal assist them: and except it be vpon Hue and Crie made to keepe the peace, and that in places where actes against the Peace do happen) shall be so bold, as to go, or ride armed, by night, or by day, in faires, Markets, or any other places: then any Constable, or any other of the said Officers, may take such Armour from him, for the Queenes vse, & may also commit him to the Gaole. And therefore, it shall be good in this behalfe, for these Officers to stay and arrest all

14 The duties of Constables,

all such persons as they shall find to carry Dags, or Pistols, or to be apparelled with priute coates, or doublets: as by the proclamation (made in the xxj. yeare of the raigne of our soueraigne Ladie that now is) they are specially commanded. 21. El.

Furthermore, if any great assemblie, or riuoz of people be made in maner of Insurrection, then the Shiriffes, Constables, & these said other Ministers, hauing knowledge therof, ought to go with the strength of the Countie, and to set themselves against it, and ought also to take and imprison such offenders. 17. R. 2

Lastly, if any man do threaten to kill another, and he which is so threatned do pray any of these Officers to arrest the other to find suerties of the Peace: then may such an officer arrest him to find such suertie before a Iustice of the Peace, and may also carrie him to prison, if he refuse to find it: But if he yeld to go, it shalbe good to take the partie threatned, to the Iustice with him. Barre 20
en Fir 7
22. Ed.
35. Briar

To pacifie
& punish
the breach
of the
Peace.

I 4 Thus much I haue spoken of those things which do bend towards the breach of the peace: but now I will come nearer to the breach it selfe, and withal to the pacifying and punishing of the same.

If therefore a Constable, or any other 1. H. 7. 7
of

of the sayde officers, shal see any men going about to breake the peace, as by using boate words, by which an Affray is like to growe: then ought such Officers to commaund those persons to stand upon paine of imprisonment: and if they will not depart, but shal drawe weapon, or giue any blow, then ought he to do his best to depart them, and to keepe them in sunder: and hee may (so) that purpose both use his owne weapon, and may also call others to assist him. In which doing, if any such officer, or other person comming on his part, doe take hurt, he shall haue good remedie by action against him that did the hurt: but if any of them that made the Affray, be hurt by such officer, or by any of his companie, then such a hurt person hath no remedie at all for it.

And if he that maketh an Affray, do flie into a house, when such an officer cometh to arrest him: then may that officer breake open the doores to take him: & if he that made the Affray, do flie from thence also, yet may the Officer follow him, & in fresh suite take him, though it be in another Shire or Countie.

So, if two men be fighting together in a house (the doores being shut) yet may such an Officer breake open the doores to cause the

the peace to be kept, though none of the parties haue take hurt. And in both these cases, such an officer may carie the before a Iustice of the peace to find Suertie for the peace, because they haue broken the peace already, and are meete to be bounde that they shall not breake it againe.

But if any of the parties to an Affray, haue receiued any dangerous hurt, then ought such Officer to arrest him that did the hurt, and to carrie him to the Gaole, there to remaine till he find suertie to appeare at the next Gaole deliuerie: otherwise, he may withlesse laboꝝ carrie him to a Iustice of the peace, or to a Coroner, who ought to take order for such suertie, because the fact may fall out to be Felonie, if so be that he which was hurt do happen to die within one yere & a day next following such hurt vnto him.

And as these Officers ought to arrest those that doe make assault vpon any priuate persons, so also may they arrest any such as that make assault (or Affray) vpon themselves whilest they be in doing their offices: & may for that purpose both lawfully defend themselves, & also take the offenders, and commit them to the Gaole, or carrie them to a Iustice of the peace, for the finding of such suertie as is aforesaid.

But

Fitt. 7. 72

38. Ed. 3

6. & 22

lib. ass. 5

5. H. 7.

But if one do assault a man, in, or nigh
the highway, to robbe him, and be taken
by the true man, or by any other, and be
brought to the Constable, or such other
Officer of the place: then ought such Offi-
cer, not only to take him to his ward, but
also to carrie him befoze a Iustice of peace
to cause him to giue suertie for his Good
abearing.

So, if any man doe suspect an other of
Murder, or Felony, and doe declare the
same to any such Officer of the place, then
such officer may arrest the suspected per-
son, and hee shal doe well to carrie him to
a Iustice of the Peace together with him
that doth suspect him, to that end that they
both may be examined as appertaineth.

Nea, any of these said officers may search
within the limit of his authoritie, for any
persons suspected of Felonie: for it is a
chief part of their office to repress felons.

And therefore any of these Officers may
(of his owne authoritie) arrest one that is
endited of Felonie: So, if the common
voice and fame be, that A. B. hath done a
felonie, that is sufficient cause for any of
these Officers (that shall thereof suspect
him) to arrest him for it.

And if any person shal lie vpon Felony, it
is the office of the Constable of the towne,

18 The duties of Constables,

or of any of these other officers there, to
seise his goods, and to keepe them safely: for
he is to answer for the losse of empairing
of them, and therfore it is meete that he do
it by Inuentorie taken in the p[re]sence & by
the testimonie of the honest neighbours.

And I like well of their opinion, which
do hold, that if information be given to a
ny such officer, that a man and a woman
be in adulterie, or fornication together,
then the officer may take company with
him, and that if he find them so, hee may
carie them to prison.

But this is to be marked, that in the
cases before, and such like, where such an
Officer hath arrested, or hath in his ward
anie offendour that ought to be carried to
the Gaole, there such an Officer is not
bounde sw[or]thwith to carrie him, but may
well for a reasonable time keepe him in
the Stockes, until that convenient p[ro]uisi-
on of strength may be made to conuey him
safely thither. And when hee shall bring
such offendour to the Gaole, then ought
the Gaoler to receiue the same freely, with-
out taking any thing of the Officer for it.

Seruing of
precepts.

15. Hitherto (as you see) I haue spoken
of the Constable, & of these other Officers,
so farre onely as they haue authoritie by
their owne offices, without any comma[n]-
dement

dement from others. But forasmuch as a great part of their dutie (concerning the Peace) resteth in the making of due execution of the precepts of higher officers, and especially of the Iustices of the peace, who be (as it were) immediatly set ouer them, let vs also see after what manner these Constables, and other the said inferior ministers of the peace, ought to behaue themselves in that behalfe.

Albeit then, that these said Officers be subiect to the commaundements of the Iustices of gaole deliuerie, and of Oier and Terminer, and of some Higher Iustices, yea, and to the precepts of Coroners also, and of other Officers, in some certaine cases, yet because most commonly they are called vpon by the Iustices of Peace, they ought specially to shew themselves obedient to their precepts, who (as it may appeare by some old Presidents) haue authority to remoue insufficient Constables & Borsholders, & to substitute able persons in their place. Neither ought these officers to dispute whether their commaundements be grounded vpon sufficient authority, or no: as knowing that although a Iustice of the peace (which is a Iudge of Record) should direct a Warrant beyond his authority to a Constable, or one other of the said officers,

20 The duties of Constables.

yet shall such Officer be holden excused for executing the same, notwithstanding that Justice of peace himselfe be blamed for it.

If therefore a Warrant for the Peace, or good abearing, happen to be directed to any of these said Officers, then ought he with all speede and secretie to find out the partie; and then also may he lay his hands upon him, and shew him the matter, and require him in the Queenes name to go with him, to put in suertie according to the Warrant. And this if the partie shall refuse to do, then ought such Officer forthwith to arrest him, and to conuiegh him to prison, without carying him to any Justice: in which doing, if the partie shall offer any resistance, or shall seeke to escape, then also may such Officer willic the beating, or hurting of him. 21.H.7.1

But if the partie shall yelde to go and giue Suertie, and yet will not go to such Justice as made out the Warrant, but to some other Justice, then ought such Officer to giue him that libertie, so that it be not farre out of the Limit, for else so great trauaile might folow upon the Officer, as rather he then the offendour might same to be punished by it. 21.H.7.2

And here the Officer must take regard, and consider whether the Warrant doe
come

come directly from the more authoritie of the Iustices of Peace, or else be grounded vpon a Writ of *supplicavit* sent downe from higher authoritie (which difference ought to appeare plainly in all Warrants that be well and orderly made.) And if the Warrant be grounded vpon such a Writ, then may such Officer compell the partie to go to the verie same Iustice or Iustices of Peace that made out the Warrant, and otherwise he may carrie him to prison, as is said before.

Neither is it requisite, that such an officer should daunce vp and downe after the partie (as many vse to do) vntill he can find out suerties: but he may lawfully keepe him, vntil that he can get suerties to come vnto him: the ignorance of which point is the cause, both that many an euill man escapeth, and many an honest Officer is punished for it.

But here it happeneth many times, that the partie (hearing that such a Warrant is granted against him) offereth himselfe with suerties, for that cause vnto some other Iustice of Peace, or findeth such suertie in some of the Courtes at *Westminster*, and so hath a *Supersedeas* readie to shew such Officer, as cometh to him with a Warrant, as is aforesaid. Now, if that he

so, then is the Officer discharged thereby, and ought not any further to molest the partie. But yet it shall be good, that such Officer do haue the *superfedeas* for his better discharge: least otherwise he be called to account for not seruing the Warrant that was sent vnto him.

If a Warrant be directed to a Constable, or such other Officer, to arrest one that is indicted of Felonie, then may such Officer iustifie the killing of such a partie, if it so be, that he cannot otherwise take him: or if so be, that he resist, or die, when he is taken.

Finally, the Constable, or such other of the said Officers, hauing arrested any to be conueyed to the Gaole, must take good heed, that he do not willingly, or negligently, suffer such partie to escape from him. For, if the arrest were for Felonie, then by a willing escape, the Officer himselfe becommeth a Felon also. And of whatsoeuer other kind the offence be, if the Officer do, by his will, or negligence, suffer the partie to escape from him, he shall be fined for it, according to the quantitie of his fault, by the discretion of those that shall be Iudges of it. And least any such Officer should flatter himself, in thinking that he may passe through with some easie

22. lib.

A^B. 55.

Coron. 20

288. 328

in Fitzh

1. H. 4. 4. ealie fine, I let him knowe, that the Iudges of his fault may set his fine, equall with the value of all his goods, if in their discretions his default do so require.

The equal
dutie of
these Offi-
cers, in
matters
besides the
Peace.

16 Thus haue I perfourmed the first part of my promise, and haue shewed what is the equall and like dutie of euerie of these sayde Officers in matters concerning the Peace, both by their owne authority, and also in doing the commandments of the Iustices of Peace: now therefore I must go forward to the second part of my purpose, and am to declare their like dutie in other points of service, that doe not concerne the Peace, for, equall power is indifferently given to any of these Officers by some Statutes of the Re-
aline, whereof those that followe be the chiefe, and principall.

33. H. 8. 17 All Constables, and other the saide Officers, ought to be attendant, aiding, & assisting to the Iustices of Peace, for the execution of all and euerie the acts (made in, or befoze the Parliament, holden in the 33. yeere of the raigne of King Henrie the eight) concerning Reteinors, giuing of Li-
ueries, Maintenance, Embracerie, Bowe-
staues, Archerie, Vnlawfull games, Fore-
stallers, Regrators, Vittaille, Vittailers, and Inholders, or any of them, vpon payne

Attendan
for the ex
ecution o
statutes.

24 The duties of Constables;

that the said Constables, and other the said Officers shall make such Fines, as by two of the said Iustices of Peace shalbe assessed.

Phisitions, 18 All Constables, and other the sayde 14. H. 8.
Officers within London, or within seven ca. 4. 5.
miles thereof, ought (upon request made) 32. H. 8.
to aide and assist the President of the Col- ca. 2.
ledge of the Phisitions in London, & other 1. M. 4. p.
persons authorized for the due execution of 1. cap. 9.
the Statuts made concerning Phisitions,
Apothecaries, and Surgeons.

Puruiors. 19 If any person shall (without law, 22. H. 8.
full bargaine) puruiw or take any thing ca. 14.
of any of the Quenes liege people, to the
use of any (other then of the Quene and
her house) and thereof notice be giuen to
the Constable, or such other Officer of the
place, then such Officer ought (vnder the
paine of twentie pounds) to arrest such ta-
ker, and to carrie him to the next prison.

No Puruepour of the Quene ought to 28. H. 6.
take any horse, or cart, but by the deliuey stat. 2. 2.
of the Mayor, Bailife, Constable, or such o-
ther officer of the place whence that ta-
king shall be.

Corne ought to bee taken for the 25. E. 3.
Quenes house, by striked measure of cap. 1.
eight bushels to the quarter, according as 35. Ed. 3.
is used throughout the lande: and the ta- stat. 2. 5. 3.
kers of all thinges to bee taken for the

Quenes

Quenes house, shall make their puruey-
ance by the verie valie thereof, by the
view of the Constable, or other such Offi-
cers, and by appraisement vnder oath of
four other good men of the towne, where
the taking shall be: and such taking shall
be made without driving the praisours by
compulsion, menacing, or other villanie,
to set any other price then their oath will,
and as commonly runneth in the nexte
Markets.

Takers, Undertakers, their Deputies,
or 3. P. or seruants, shall not take any Bees,
or Mar. Weathers, Lambes, Calues, or any kind
of 4. 2. of saltfish, or any kind of graine, or anie
Butter in any vessels, or Cheese, Bacon,
Conies, Higs, Geese, Capons, or Hens,
but by Commission and a Blanke thereto
for that shire annexed: in which Blanke,
the said seuerall things so to be taken, and
the prices of them shal be written, and to
which Blanke the high Constable, Petie
Constable, or Headborough of the place
where any such taking shall bee, ought to
subscribe his name or signe manuel. And
such taker ought the also to make a brieve
or Docket in writing subscribed with his
name, containing euerie of the said things
so taken in euerie place: and ought then
also (vnder the paine of an hundred markes)

26 The duties of Constables;

to deliuer the same to the said High Constable, petie Constable, or Headborowe, who also ought to deliuer it ouer to the Iustices of Peace at their next general Sessions within that countie.

20 In the takings for the Queenes house, Tailes (or Indentures) ought to be made and sealed, betwene the taker & the psoner (in the presence of the Constable, or such other Officer, and the praisors of the place) by which Tailes (or indentures) satisfaction ought to be made to the owner for his things so taken. 10.E.3. cap. 1.

21 If anie Taker will make purueyance of any thing (not exceeding the value of forty s.) & make not readie payment in hand therefore, it is lawful for the owner to retaine the thing so taken, and to resist such purueyance: and the Constable, Tythingman, or Chiefe pledge of the place (being thereto required by the owner) ought to ayde and assist such owner in making such resistance, vnder paine to yeld vnto him the value of the thing taken, and his double damages. 20.H.6. cap. 8.

Souldiours 22 All Constables, and other the Officers abovesaid, of the parish or place, where any of the Queenes Souldiours beyond the seas, being mustered of record, shal happen to arrine, may arrest & stay such souldiours, till 18.H.6. cap. 19.

til it be inquired, whether they be lawfully departed from their Captaines, or no.

El. 5. 23 If the Constable, Tythingman, or Rogues, such other Officer, of any place, be negligent, and do not his best endeuour, for the apprehension of all sturdie Rogues, or vagabonds, that shal beg, wander, or misorder themselves within his authoritie, and for the bringing of them before a Iustice of peace, but shal suffer any such to escape, then shal such Constable or Officer forfeit lixe s. viij. d. for euery such Rogue.

H. 8. c. 2 24 All Constables and other the said Coroners, Officers, must be attendant vpon Coroners, for the abinring and conueying of such persons, as shall take the Churchyard as a Sanctuarie, for safegard of their lyues, by occasion of any Felonie by them done.

All these thinges heretofore rehearsed, whether they concerne the preservation of the Peace, or anie other matter besides the Peace, may and ought to be done and executed indifferently (as I thinke) by any of the said Officers within the precinct of his authoritie: that is to say, aswel by the high Constable of the whole Hundred or Franchise, within his Hundred or Franchise, as by the Constable, Petie Constable, Tythingman, Borsholder, Bo-rothead,

28 The duties of Constables,

rothead, Headboroe, Thirdboroe, or chiefe pledge, within his towne, parish, tything, Boroe, or Hamlet: and that so, as none of them hath more power of office therein then the other, although some of them haue larger limit of place then the rest.

High C6.
stable of a
Hundred.

But now I am come to such things, as do severally belong to some of these Officers, so as the other may not meddle therewith, (which is the third part of my promise) and therefore I will take that in hand also: and because the Constable of the Hundred or franchise, is the greatest of these Officers, both in respect of his larger piece of place, and also of the higher trust that is committed vnto him. I will begin at him: who, as he is not by and by set alone, but is for some matters no further authorized then some other of the said Officers, so I will first begin at those, and then come to the rest that belong onely to himselfe.

Prisoners.

25 The money appointed to be leuied by the Churchwardeins of euery Parish each Sunday, for the reliefe of prisoners in the Gaole, ought (vnder the paine of v.li.) to be paid by them once euery quarter of a yere, to the high Constables, or head Officers of euery Hundred, Riding, wapentake, towne, or parish: and the said high Constable

14. El. ca. 5

Constables, or head Officers ought (under the paine of five pound) to pay over the same money so to them paid, at the next quarter Sessions of the Peace, to such person as shalbe appointed by the Iustices of Peace to receiue the same.

El. ca. 5

26 If any person lawfully appointed by the Iustices of peace to be Collector for the poore, shal refuse to accept it, or accepting it, shalbe negligent therein, he shall lose to the poore of that place so the shillings, which shalbe leuied by Distresse, or recovered by Action by the high Constable, or Tythingman of the place: who also, if he be negligent, or refuse so to sue within two Monethes next after such default, shall lose five pound.

Collector for the poore.

It seemeth to mee, that in these two cases next aboue, the wordes high Constables, high Tythingmen, and Head Officers, do exclude Petie Constables, Borsholders, and such like to meddle therein: because none are called High, or Head, but in comparison of Low and Base. Now therefore I will speake of matters concerning the high Constable of the hundred alone.

High Constable alone.

El. ca. 4.

27 High Constables of Hundreds in all such shires, where Petie Sessions for servants and laborers (otherwise called statute

Petie Sessions.

tute

30 The duties of Constables,

the Sessions) were vsed to be kept, before the first day of the Parliament holden in the first yeare of the raigne of our gracious Queene Elizabeth, may yet still hold their said Sessions, so that nothing be done in them, repugnant to the Statute of laborers & seruants made in the same Parliament.

to helpe
Watches
and high-
waies.

28 The Constables of hundreds, and of franchises, ought to make presentment to the Iustices of Peace, & to all other Iustices thereto assigned, of the defaults of Watches, and of the defaults of the Queenes highwaies, not enlarged so, as no ditches, underwood, or bushes be within two hundred fote on euery side of the same: & also of such as lodge strangers in vplandish townes, for whom they wil not answer.

13. E. 1. f. 1.
Winton.

Clothiers.

29 Clothmakers ought to pay the wages of their Carders, and other workfolkes, in lawfull money, and not in pins, girdles, or such other things: and to deliuer their wools by faithful deliuerie, & due weight, vnto them to be wrought: vpon paine of forfaiting the treble of their wages not so pated, & vi. pence for euery deliuerie of such excessive weight. And the said Workfolkes ought to do their occupations duely, vpon paine of double damages to the partie greued. And euery Constable of the Hundred may heare and termine

4. E. 4. c. 1.

the

the cōplaints aforesaid, by examination of the parties, & may cōmitt to the Gaole such as refuse to pay the said Workfolkes.

4 El. c. 5. 30 The Constables, or Tythingmen Poore
of euery hundred, Hape or Twapentake, in people
which any abiding place to set the poore
people in shal be appointed by the Iustices
of Peace, shal once euery moneth (vnder
the paine of xx. shillings) make a view and
search of all the aged, impotent, and lame
persons within their authoritie, and all
such as they shall finde, not being borne,
nor within thre yerres next before dwel-
ling within that diuision, (except leprouse
and bedread persons) they shall presently
see conueyed, on horsebacke, in Cart, or o-
therwise by their discretions, to the next
Constable, and so from Constable to Con-
stable, the directest way, til euerie of them
be brought to the place where hee or she
was borne, or most conuersant by the
space of thre yerres next before, there to
remaine in some such abiding place, or o-
therwise to be provided for.

2. C. 3. P. 31 Estreates indented ought to be made Highwaite
or Mar. by the Clarkes of the Peace, & by Stewards
18. C. 5. of Lectes, of all so,saitures rising in the
El. ca. 13. Sessions of the Peace, or in Lectes, vpon
the statutes of Highwayes: of which E-
streates, one part ought to be deliuered
yerely

32 The duties of Constables,

perely within five weekes after Michaelmas, to the bailife or high Constable of the Hundred, Lath, or wapentake, wherein the default was committed, and the other part to the Constable & Churchwardens of the parish in which the default was made, to the intent, that such Bailife, or Chiefe Constable, may thereby leuy by distresse the same for faitures, or the double thereof (if no distresse can be found, or if such for faitures be not payd within xx. daies after a lawfull demaund of the same by the said officer) and to the intent also that the said Constable & Churchwardens of the parish may thereby call the said Bailife, or High Constable to account befoze two Iustices of the Peace (the one being of the Quorum) betwene the first day of March and the last of April verely for the said for faitures, which ought by the said Churchwardens to be bestowed on the Highwaies in their parish. And vpon such account, euerie such Bailife, or High Constable shal haue for his paines viij. s. of euerie pound leuied and payed by him, and may also retaine xij. s. for the fee of the Clarke of the Peace or Steward of the Leete, for euerie such Estreate by any of them deliuered, as is aforesaid.

Constable
of a town.

32 Next after the Constable of the hundred,

died, Whapentake, or franchise, followeth the Constable of a towne, who is some where called a Highconstable, for that he hath there a Petie Constable vnder him, & is sometimes also termed a Head Officer, because in some Corporate townes Constable is part of the name of their Incorporation. And now also because there be sundrie things that are by the lawes indifferently referred to him, or to the Tythingman, Borsholder, or such other inferior officer of the place: therefore I will first set downe those, and then afterwarde speake of the rest that are committed to him onely, and to none of them.

33 If a common Inholder, or Alehouse-keeper, wil not lodge such as trauaile, the Ruler, Constable, or other Officer of the towne may compell him thereto.

34 No person retained in husbandrie, Seruants
or in any the Artes appointed by the Statute of Labourers (made in the fift yere of our soueraigne Ladie Queene Elizabeth) may depart, after the time of such retainour expired out of the Towne or Parish, where he last serued, to serue in an other, vntlesse he haue a Testimoniall vnder the seale of the Constable, or other such Officer, and of two other honest householders of the Towne or Parish where he last serued,

34 The duties of Constables.

ued, according to this forme: *Memorandum*, that A. B. late seruant of C. D. of E. in the countie of K. husbandman, or Tayler, &c. is licensed to depart from his said Master, and is at his libertie to serue else where, according to the statute in that case made and provided. In witnesse whereof, &c. dated the day, moneth, yeere, and place, of the making thereof. Which Testimoniall, the Parson, Vicar, or Curate of the parish where such Master, Distres, or dame doth dwell, ought to register, taking onely ij. s. therefoze. And if such person bee accepted into any other seruice, without shewing such Testimoniall to the Constable, or such other Officer, Curate, or Churchwarden of the place where hee shall be accepted, hee shall bee imprisoned till he procure such a Testimoniall, which if he do not within 21. daies next after the first day of his imprisonment, hee shall bee whipped as a Vagabond.

Laborers 35 In the time of hay, or cornehar-
nest, the Constable, or such other Officer
of any towneship, vpon request made, and
for auoiding the losse of any corne, graine
or hay, may cause all such Artificers, and
persons (as be meete to labour) by his dis-
cretion to serue by the day, for the mow-
ing, reaping, shearing, getting, or inning
of

5. El. 4.

of corne, graine, or hay, according to the skill and qualitie of the person: and if any such person shal refuse so to do, then ought such Officer (vnder the paine of fortie shillings) to imprison such refuser in the Stockes, by the space of two dayes and one night.

xl. cap. 3. 36 Every Rogue that shall be apprehended, ought to be conueyed (from the Iustice of Peace before whom he shall be brought) by the Constable, or such other Officer of the parish where the apprehension shal be, but onely to the Constable, Tythingman, or other such Officer of the next towneship, or parish in the next Hundred, and so from one Hundred to another, by the Constable, or such other Officer of every such towneship or parish which shal be next in every such Hundred, the direct way, vntill they shal come to the Gaole or prison appointed for such Rogues: vnder the paine of vi. s. iij. d. for every default of such Constable or Officer.

37 The Constable, Borsholder, or other such Officer, and the Churchwardens of every parish, ought yearely vpon the Tuesday or Wednesday in Easter weeke, to call together a number of the Parishioners, and to chosse two honest men of their parish, to be Surueyors of the works

Highwaies

for amendment of the highwayes within
their parish leading to any Market town:
and ought then also to appoint five dayes
for the amendment of those highwayes
before Whitsommer then next following:
and ought openly in the Church the next
Sunday after Easter, to giue knowledge
of the same five dayes.

They also ought to haue one part of
the Estreats indented, and may call the
Baillife or high Constable to Account, con-
cerning the forfeitures, for default of a-
mending Highwaies, as hath already ap-
peared before. And they also, or any of
them may leaue by Distresse, and by sale
of such Distresse, all summes of money
forfeited for any cause within the Statute
of Highwayes made in the eighteenth
yeare of the Queenes Maiestie that now
is, (if so be that the Surveyors of High-
waies, shall not before haue leued and
employed the same, within one yeare next
after the offence committed) and shal peeld
Account therof before two Iustices of the
Peace, as is before shewed.

After such time as the two Iustices of
Peace, haue ratably assessed euery town,
and parish towards the payment of the
damages that any person hath recovered
against them of the hundred wherein he
was

2. & 3. P.
and Mar-
cap. 8. and
5. El. ca. 1.

18. El. c.

Hue and
Crie.

27. El. c.

13.

was robbed upon the Statute of Hue and Crie : then may the Constable or Headborow, of every such towne and parish, taxable within his limit, take (according to their abilities) every dweller in every such towne or parish, toward the payment of such assessment made by the Iustices : and may also distraine every person by hys goods and cattels that shall refuse to pay the same, and may sell the distresse, and retaine so much therof as the Taxation shall be, & deliuer the ouerplus to the person so distrained. And shall (within ten daies next after he hath leuied the said rates) deliuer the same to the said Iustices, or one of them to the vse of the partie robbed.

27. El. cap.

14.

39 The Constable of every borough or Market, or other towne, may view, search and suruey all such Malt as shall be made or put to sale there : And if he shall find any Barlie, Malt, made at any time (the Monethes of Iune, Iuly, and August, onely except) but that the same shall haue the space of three weekes (at the least) in the fatte, floure, steeping, and sufficient drying thereof, and in these three Monethes, the space of xvj. dayes at the least : and if he finde any person to put to sale, any good Malt, mingled with malt not sufficiently made, or with Malt made of Bolwburned

Making o
Malt.

38 The duties of Constables.

or spredd barley: or to put to sale any malt, not sufficiently well trodden, rubbed, and fanned, whereby halfe a pecke of dust or more may be fanned out of one Quarter thereof: then may such Constable (with the aduise of one Justice of the peace in that Shyre) cause the same Malt to be sold, to such persons, and at such reasonable prices (vnder the common price of the Market) as to his discretion shal seeme expedient.

All these things last aforesaid, do pertain aswell to the charge of a Tythingman, Borsholder, Headborowe, Chiefepledge, or such other inferiour Officer, as they doe to the Constable of such a towne, or parish, that hath any of those other officers there vnderneath him. But some other points of charge ther be, that belong to such a Constable onely, and not to anie of them: as for example.

8.H.6.c.4.

11.H.7.c.4.

Weights
and Mea-
ures.

40 Euerie Citie, Borough, and market towne, that haue a Constable, ought also to haue common measures sealed, and also common weights sealed, at which the inhabitants maie freely weigh.

14.H.6.c.5.

Merchan-
dize.

41 If any Wools, or other marchandise, be shipped in the Staple, in any suspected place adioyning to the coast of the water, then Indentures ought thereof to be made betwene the owner, and the Maior

or Constable of that place : or otherwise,
such merchandise shalbe forfeited.

42 The Mayor, Shiriffes, Bailifes, ^{Vnlawful}
Constables, and other head officers with- ^{Games}
in every City, Borough, and towne with-
in this Realme; where any such officers
be, ought vnder the paine of r.l.s. for every
default, once every moneth at the least, to
make search (as well within lyberties,
as without) in all places where any vn-
lawfull games shalbe suspected to be kept,
and may arrest and imprison as well the
keepers of such places, as the haunters
to the same, till they be founde no more
to keepe and haunt such places. And if
anie such Head Officers, shall finde or
knowe, that any Artificer, craftesman,
husbandman, apprentice, labourer, ser-
uant at husbandrie, iourneyman, or ser-
uant of artificer, or that any maryner,
fisherman, waterman, or Seruingman,
doth play at the Tables, dice, cardes, ten-
nise, bowles, clash, coiting, logating, or a-
ny other vnlawfull game, out of Christ-
mas time, or out of their Masters house or
presence in the Christmas time, vnlesse it
be by the licence of such Master as hath
C.li. by the yere, or aboue, and then also,
that playing bee within the precinct of
such Masters house, gardeine, or o: c: yard:

40 The duties of Constables

then such head Officer may commit such offendour to ward, til he will be bounde by Obligation to the Queenes vse (in such summe as to the discretion of such Officer shall be thought reasonable) that he shall not from henceforth vse such villanousfull games.

Bridges

43 Those foure Iustices of peace, that be authorized by the Statute to make taxation of money for the amendeuement of any decayed bridge in the high waie, ought to make that Taxation, by the assent of the Constables, or of two of the most honest inhabitants, of every Towne or parish. 22. H. 8. cap. 5.

Vessels

44 In all Cities, Boroughs, et townes, wherein no Wardens of Cowpers be, the Maiors, Sheriffes, Bailiffes, Constables, or other head Officers there, haue power to search, view, and gaugge barrells, kilberkins, firkins, and other vessels, to be made there, and to take such aduantage therby, and in such maner, as by the wardens of Cowpers within the Citie of London may be taken on enery behalfe. 23. H. 8. cap. 4.

Hattes & Cappes

45 The Maiors, Shiriffes, Constables, and other heade Officers of any place, to which woollen hattes, bonnets, or cappes, (being made out of this Realme) shal be brought, ought (vpon knowledge thereof) to them to bee giuen, by the Customer of such 22. H. 8. cap. 9. 1. Mar. par. 1. c. 11.

such place, or his deputie) to loyne with
such Customer or deputie, in the sale of
such hatts, bonnets, or capps, for such pri-
ces, as by the statute are limited, vpon
paine to forfeite xx. li. for euerie time that
they shalbe remisse in such sale.

46 In al these cases also, last befoze re-
hearded, it seemeth that Borsholders, Ty-
thingmen, Headbories, and other such (be-
ing in Townes, or parishes, vnderneath
Constables that be there) cannot meddle
because such Constables be, in comparison
of them, called Head Officers.

Nowe therefore vpon all the whole dis-
course befoze writte, it may wel appeare,
that Borsholders, Tythingmen, Headbo-
ries, Borocheads, Thirdbories, and chiefe
pledges, whether they bee there the onely
Officers for the peace, or be vnderneath
Constables, may within their Wozoues,
Tythings, or Hamlets, do many thinges
that the others may do: and that there are
many other points which those other Offi-
cers may doe, and wherewith these Bor-
sholders and the rest cannot meddle at all.
And therefore, to auoide idle repetition of
matters already spokē, I say shortly, that
if an vnder Borsholder, Tythingman, Head
boroe, Borothead, Thirdboroe, or Chiefe
pledge, will see what belongeth to him to
doe

The con-
clusion.

42 The duties of Constables,

doe, he must looke before vpon all such cases, where his power is declared to be equall (to those points) with the power, eyther of a High Constable of the Hundred, or a Constable of a towne or parish: for in al such thinges hee hath to deale as well as they: But where any thing before is shewed to pertaine only to the high Constable of a Hundred, or onely to the Constable, or chiefe or head Officer of a towne, or parish, there such a Borsholder, Tjrrhingman, or any of the rest, hath nothing to do with it.

And thus having opened so shortly and plainly, as I could, the duties of al these said ministers of the peace, I doe shut vp this booke: desiring those that shall take anie profite of this laboꝝ, to yeld thanks to God the most liberall giuer.

For

FOr the more ease of every of these Officers, in finding out of that which particularly belongeth to them, I have divided this treatise before into xlvj. Articles (or parts) by which each of these Officers may readily come to all that which belongeth to his owne charge, if he will marke this Table following, for

The High Constable of the Hundred, Rape, Franchise, or Wapentake, hath to deale with all those matters, that be contained within any of these Articles, that is to say,

Article.	Concerning.
3.	His name.
4.	His beginning.
11. 12. 13.	The peace to be kept, and
14. 15.	seruing of warrants.
16. 17. 18.	Execution of Statutes,
19. 20. 21.	Whistons, Purueyors,
22. 23. 24.	Rogues, Coroners.
25. 26.	Prisoners, poore, petty sessi-
27. 28. 29.	ons, watches, highwaies,
30. 31. 46.	clothiers, poore, highwaies

And the Constable of a Towne or parish, hath his part in all such things as be expessed in any of these Articles.

Articles

44 The dueties of Constables, &c.

Articles.	Concerning.
4.	His name & beginning.
11. 12. 13.	Keeping of the peace : ser-
14. 15. 16.	uing of warrants: execu-
17. 18. 19.	tion of statutes : Whitti-
20. 21. 22.	ons : Purueyours : Soldi-
23. 24.	ers : Rogues : Coroners.
25. 26. 32.	Prisoners : Collectors for
33. 34. 35.	the poore : seruants or la-
36. 37. 38.	bozers : Rogues : High-
39. 40. 41.	wayes : Weights & Mea-
42. 43. 44.	sures : Marchandize : Un-
45. 46.	lawful games : Bridges :
	Vessels : Hatts & Caps.

And euery Borsholder, Tythingman, Borohead, Headboroe, Thirdboroe, and Chiefe pledge, may for his Boroe, or Tything, learne his office by these articles.

Articles.	Concerning.
5.	His name: beginning: first
6. 7. 8. 9.	office : latter office.
10. 11. 12.	Keeping of the peace : ser-
13. 14. 15.	uing of warrants : Cre-
16. 17. 18.	cution of statutes: Whitti-
19. 20. 21.	tions: Purueyours: Souldi-
22. 23. 24.	ers: Rogues: Coroners.
32. 33. 34.	Seruants and Labozers :
35. 36. 37.	Rogues : Highwayes :
38. 39. 46.	Due and Crie : Malt.

The

The dutie of Church-
wardeins.

Whilest I passed thro-
row some of the sta-
tutes befoze, con-
cerning the Offices
of Constable and
Borsholder, I found
them mingled with
diuerse duties per-
taining to the Churchwardeins of pari-
shes: the Suruciors of the high wayes: the
Distributors of the prouision for the de-
struction of vermine: the Collectors and
Ouerseers for the poore: and the Wardeins
and Collectors for the houses of Correcti-
on: whereby I was also moued to adde
somewhat of these Offices, the rather be-
cause I was perswaded, that with that lit-
tle more of laboz, I might do a great deale
more of good, seeing that ther by the plaine
countrieman should (after a sort) be fur-
nished with all maner of vnderstanding
(in the temporall Law) needefull for the
exercise of any of those Offices that may
lightly fall vpon him.

First therefore, I will speake of the
Churchwardeins office, but that so farre
forth onely, as the common Lawes and
statute

46 The duties of Churchwardens.

statute Lawes of the Realme to lead mee, knowing that such other parts of that Office as do rest vpon the Lawes Ecclesiastical, be from time to time sufficiently both taught and called vpon, by those that haue the Execution of the same.

Office of
Church-
wardens,
by the co-
mon law.

The Churchwardens of Parishes be taken (in fauour of the Church) to be for some purposes a manner of Corporation at the common Law: that is to say, Persons inabled by that name, to take moue-
able goods, or cattels, and to sue, and be
sued at the Law, concerning such goods,
for the vse and profit of their Parish. And
therefore, a man may well in his life time
giue, or by his last will bequeath, ineney,
or other moueable things, to the Church-
wardens, or to the parishioners of a Pa-
rishe, eyther for the reparation of their
Church, or towards the buying of booke,
Communion cuppes, linnen clothes, or
other decent ornaments or furniture for
the Church. Which maner of gift is so
much fauored in the Law, that it is not
altogether needefull in such a gift, for a
man to vse expresse wordes, or wryting.
For if a man do buy a Bell, and do hang it
vp in the Steeple, or do make a Pew, and
do set it vp in the Church, and do neyther
make any word or wryting thercof, yet is
this

12. *Pr.* 7.
Ulinn.

Lib. Intrac.
fol. 576.

H.4.12 this Bell or Pewe, by this, dedicated or
H.7.12 given to the Church.

2 Nowe, although Churchwardens They shall
 shall haue none Action at the common haue Acti-
 lawe to recover a legacie, or such other on.
 thing which they neuer had: yet neuerthe-
 lesse, if any such goods, or ornaments of
 the Church be once in their possession and
 custodie, then shall they maintaine an Ap-
H.6. peale of robberie against him that stea-
30. or 34. leth them, or an Action of Trespasse a-
H.4.12 gainst him that shall wrongfully take
E.4.6. them away, though it be the Vicar, or
 Parson himselfe, and the damages that
 they shall recover thereby, shall bee to the
 vse and benefite of the Parish, and not to
 their owne vse. But if those Churchwar-
 dens (from whom the goods were so ta-
 ken) shall happen to die, before any Acti-
 on by them brought for the goods, yet shall
 the next Churchwardens haue Action
 for the same.

3 And forasmuch as these Churchwar- They may
 dens be officers, put in trust for the bee- not wast
 hoofe of their parish, therefore also are the church
 they not enabled with any other power, goods.
 then for the good and profite of the parish.
 So that Churchwardens can neither giue
 away, nor release, at their owne pleasure,
 the goods of the Church. For if the Pari-
 shioners

fi. na. br.
91. R.
9. H. 6.
66.
al. consr.

48 The dutie of Churchwardeins

shioners shal find that they doe vnprofitably wast, or mispende the goods of the Parish, the may they remoue such Churchwardeins, by making their choise of new: which new Officers may (by Action of account) call to account the former Churchwardeins, and shall thereby compel them, both to giue reckoning of their doings during their office, and also to make satisfaction to the vse of the Parish, for the harme that it hath receiued by their fault. And although the vsage and custome of the Parish be, that the Churchwardeins there shal continue in their Office, by the space of one whole yere, or two yeres or more, (as in deed some Parishes haue such customes) yet vpon such, or the like misbecomeour founde in them, may the parishioners at all times procede to an Election of newe Churchwardeins, & may remoue the olde, for that otherwise they haue no meane by our Lawe to call them to their Account, but by such as shall bee put in their place. Neuerthelesse, those former Churchwardeins shall (vpon the making of such their Account) haue allowance of all needfull summes of money, or other things, which they haue expended, either vpon the reparation of the body of the Church, or for the provision of meete and lawfull ornaments

They may
be remoo-
ued, and
brought
to account

8. E. 4. 5

26. H. 8.

of other furniture of the Church of Parish: because they are compellable (by the Ecclesiastical Lawes) so to lay forth the goods of the Parishes committed to their custodie and charge. They shall haue allowance also (vpon such their Account) of the money payed by them for reliefe of prisoners in the common Gaole, by vertue of the statute 14. El. ca. 5. and of what soeuer other thing that they are by lawe chargeable to doe.

4 This (in effect) is the power and charge that the common Law doeth giue to Churchwardens: for as touching any estate in landes, or the profits of any landes, Churchwardens haue not to meddle at all: In so much, that if the walles, windowes, or doores of the Church, bee broken, or the trees in the Churchyard bee cut downe, or the grasse thereof be eaten vp, then the Parson, or Vicar (and not the Churchwardens) shall haue the Action for it: because Churchwardens are not by lawe allowed to bee a Corporation for any other thing: then for moueable goods onely. Now therefore I will shew howe their office is increased by a fewe Statute lawes, that doe concerne the same.

They haue not to do with lands

Churchwardens office, by the statute.

5 All persons inhabiting within the Queenes

50 The duties of Churchwardens.

Repaire
to the
Church

Queenes Maiesties Dominion, shall diligently and faithfully (having no lawfull or reasonable excuse to be absent) indevoutly themselves to resort to their parish Church or Chappell accustomed, or (upon reasonable let thereof) to some usuall place where common prayer and such service of God (as is contained in the booke of common prayer) shall be used in such time of let, upon everie Sunday and other dayes ordained and used to be kept as holy daies: and then and there to abide orderly and soberly, during the time of the common prayer, preachings, or other service of God, there to be used and ministred, upon paine of punishment by the Censures of the Church, and also upon paine that everie person so offending shall forfait for everie such offence xij. pence to bee levied by the Churchwardens of the parish where such offence shall be done, to the use of the poore of the same parish, of the goods, lands, and tenements of such offendour, by way of distresse.

Highwaies

6 The Constables and Churchwardens of everie parish shall yearly upon the Tuesday or Wednesday in Easter weeke, call together a number of the parishioners, and shall then elect and choose two honest persons of the parishes to bee Suruci-

5. El. ca.

2. & 3. P.

7. M. ca.

8. & 5.

El. ca. 13.

The duties of Churchwardens. 51

Surueyors and orderers of the workes for one yeare, for amendment of the Highwaies in their parish, leading to any Market Towne: which persons shal take vpon them the execution of their sayde offices, vpon paine, euerie of them making default, to forsaite twentie s. And the said Constables and Churchwardens shal them also name and appoynt fixe dayes for the amendment of the sayd highwaies befoze Midsomer then next following: and shall openly in the Church the next Sunday after Easter giue knowledge of the same fixe dayes. And they also ought to haue one part of the Estreates indented, and shal call the Constables to account, &c. as it doth appeare before in the 30. Article of the Constables office.

See after also in the Office of the Surueyors of the High wayes, for leuying those forfeitures, by the Churchwardens, if the Surueyors shall not leuie and employ the same within one yeare after the offence committed.

1. El. cap. 5. 7 If any person within this Realme, shal Eate flesh
(without lawfull licence) eate any flesh
vpon any dayes now vsually obserued
as fishdayes, shall forsaite thre poundes
for euery such offence, else suffer thre

52 The dutie of Churchwardens.

Donethes imprisonment. And euery person within whose house any such offence shall be done, and being priue or knowing thereof, and not effectually disclosing the same to some Publike Officer, hauing authoritie to punish the same, shall for euery offence forfait fortie shillings: The third part of all which forfeitures shall be to the vse of the Parish wherein the offence shall be, and to be leued by the Churchwardens after any conuiction in that behalf.

licence to
eat flesh.

The licence for eating of flesh, to be giuen to any person for noxious sicknesse, by the Bishop of the Diocesse, or by the Parson, Vicar, or Curate of the Parish, ought to be registred (if that sicknesse shall continue aboue eight dayes after such licence granted) in the Church booke, with the knowledge of one of the Churchwardens there: and the partie licenced shall giue iiii. pence to the Curate for the entrie thereof. *5. El. cap. 5.*

Destruction
of ver-
mine.

8 In euery parish, the Churchwardens, with sixe other parishioners (to be required by the Churchwardens) shall yearly in one of the holy dayes in Easter wake, and at euery other time when it shall be needfull, take and assesse euery person hauing the possession of any lands *8. El. ca. 15. 14. El. cap. 11.*

The dutie of Churchwardens. 73

or tythes within that parish, to pay such
summes of money as they shall thinke
meete, according to the quantitie of such
their lands or tythes. And if any such per-
son do denie to pay the same, or do not pay
the same (within fourtene dayes next af-
ter request thereof made by the Church-
wardens, or one of them) then such person
shall forfeit for every tane v. shillings,
which (together with the summe assessed)
shal be leuied by distresse, of the goods and
cattels of such person, to be taken by the
Churchwardens, or one of them, the same
distresse to be ordered & used, as distresses
taken for amerciaments in any Leetes.
And aswell the said summes as penalties,
(if any of them be so leuied,) shalbe yerely
by the Churchwardens, or one of them for
the time being, delivered by Billes inden-
ted, to two honest and substantial persons
of the parish which shall be elected and
appointed by the Churchwardens, and
shalbe named, The distributors of the pro-
uision for the destruction of noysome foule
and vermine. And if the said Churchwar-
dens, five persons, or Distributers, or
any of them, shall refuse, or make default
in the execution of any part of this act,
contrarie to the forme thereof, then such
offendour shall forfeit for every default,

54 The Office of Surueiors,

to li. the one moitie to the Queene, the other to him or them (using tillage perely within the same shire) that will sue therfore in any Court of Record.

For the rest of the Office of the Churchwardens, concerning this matter See afterward in the dutie of these Distributers. See also in Constables Article 25. for the Gaole money, to be leuied by Churchwardens.

The Office of the Superui-
sors, Surueiors, or Orde-
rers of the workes for a-
mending of the
Highwayes.



Upon the first dayes 2. & 3.
appointed for wor- *Phi. & M.*
king in the High- *cap. 8. & 5.*
wayes, in such sort *El. cap. 13.*
as is before decla-
red in the first Arti-
cle of the Church-
wardens office, eu-
ery person for every plow land in tillage
or pasture that he or they shall occupie in
the

the same parish, and euerie other person keeping there a draught or plough, shall finde and sende, at euerie day and place to be appointed for the amending of the waies in the parish as is aforesayd, one waine or Cart, furnished after the custome of the countrey, with Oxen, Horses, or other cattell, and all other necessaries, meete to carrie thinges conuenient for that purpose, and also twayne able men with the same, vpon paine of euerie draught, making default tenn shillings. And euerie other houlholder, and also euery cottager and laborer of that parish, able to labour, and being no hired seruant by the yere, shall by themselves or one sufficient labourer for euery of them, vpon euery of the sayd fixe daies, worke and trauel in the amending of the sayde highwaies, vpon paine of euerie person making default to lose for euerie day twelue pence. And if the carriages of the parish or any of them shall not be thought needefull by the Superuisors to be occupied vpon any of the saide daies, that then euerie such person that shoulde haue sent any such carriage, shall send to the saide worke for euerie carriage so spared, twayne able men there to labour for that day, vpon paine to lose for euery man not so sent to the sayde worke twelue pence.

And euerie person and carriage aboue-
sayde, that haue and bring with them such
Shouels, Spades, Pickes, Partocks, and
other tooles and instruments, as they doe
make their owne ditches and fences with-
all, and such as be necessarie for their sayd
worke. And all the sayd persons and car-
riages shall do and keepe their workes, as
they shall be appointed by the said Super-
uisors, or one of them, by Writtes of euery
of the said baies, vntill they shalbe other-
wise licensed by the sayde Supervisors, or
one of them.

From henceforth it shall and may be
lawfull to all and singular Supervisor and
Supervisors and orderers of the workes
for the time being, for the amendement of
the said highwaies, thereunto elected and
appointed, according to the statute made
in the second and third yere of King Phi-
lip and Quene Mary, for the better repa-
ration and amendement of the highwaies
within their severall parishes and limits
where they shall be so made Supervisors
(if it shall be so to them thought necessa-
rie) to take and carrie away of the rub-
bish, or smallest broken stones of any
Quarrie or Quarries lying or being with-
in the parish where they shall be Superui-
sors without licence, controlment or im-
peachment

peachment of the owners or owner, so much as by their discretions shall be deemed and iudged necessarie to the amending of the sayd waies. And that for default of anie such quarrie or quarries, it shall and may be lawfull to enerte such Superuifor or Superuifors, for the vse aforesaid, in the seueral grounds of any person or persons, being within the parish, and limits where they shall bee Superuifors, and nigh adioyning to the way or wayes wherein such reparations shall be thought necessarie to be made, and wherein grauel, sand or sinder is likely to be found, to digge or cause to bee digged, for grauell, sand or sinder, and likewise to gather stones lying vpon any landes or grounds within the parish, and meete to bee vled to such seruite and purpose, and thereof to take and carrie away so much as by discretion of the laide Superuifors shall be thought necessary to be employed in the amending of the said highwaies. Provided alwaies, that it shall not be lawfull to any such Superuifor, or Superuifors, by vertue of this act, to cause any rubbish to be digged out of anie Quarrie or Quarries, but onely shall extend to such rubbish as shall bee founde there readie digged by the owner or owners of the said Quarry or Quarries, or other

therwise by his or their licence and commaundement, nor shall not extende to give authoritie to anie Superuifor or Superuifors to digge or cause to be digged, any grauell, sande, or sinder in the house, garbaine, orcharde, or medowe, of any person or persons, nor that it shall be lawfull by this act to any such Superuifor or Superuifors to cause any more pits to be digged for grauel in any seuerall and inclosed grounde then one only, and that the same pitte or hole so digged for grauell as is aforesaide, shall not by any way be in breadth or length aboue ten yardes at the most. And that euerie such Superuifor as shall cause any such pitte to be made, and digged for grauell, sand, or sinder, as is aforesaid, shall within one moneth next after any such digging or pit made, cause the same to be filled, and stopped vp with earth, at the cost and charges of the Parishioners, vpon paine to forfait to the owner and owners of the soile, wherein any such pit shall be made and digged, for euerie default, five markes.

From henceforth, euerie such Superuifor and Superuifors, as is aforesaid, shall by force of this act, within the parish or limits where he or they shal be Superuifors, haue full power & authoritie to turne anie such

such water course, or spring of water, being in any of the said highwaies, into any ditch or ditches, of the severall ground or soyle of any person or persons whatsoever, next adjoining to the said waies, in such maner and forme, as by the discretions of the said Superuisors shalbe thought meetest and most conuenient.

Such Superuisor or Superuisors for the tyme being, within one moneth next after default or offence, made, done, or committed by any person or persons, contrarie to the prouision, purport, and true meaning of the estatute made (concerning Highwaies) in the second and third yeare of King Philip and Queene Marie, shall present every such default or offence to the next Iustice of Peace for the time being, vpon paine to forfait for every such default & offence, in such sort not by them presented, xl. s.

Every person or persons (except such as shall dwell in the Citie of London) that shalbe assessed to the payment of any Subsidie to her Maiestie to v. li. in goods, or xl. s. in lands, or aboue, during all such time as he shall stand so assessed and not altered, and being none of the parties chargeable for the amendment of highwaies by any former law, but as a Cotager,

tager, shall find two able men yearly to labour in the Highwaies, at such dayes and times, as by the severall Statutes thereof are limited and appointed. And every other that hereafter shall occupie a plough land in tillage or pasture, lying & being in severall Parishes, shall be chargeable to the making of the wayes within the parish where he dwelleth, as farre forth, and in such maner and forme, as any person having a plough land, in any one parish, is or ought to be chargeable, by reason of the said former Statutes, or eyther of them. And every person or persons, occupying and keeping in his or their handes or possessions, severall or diverse plough lands, as also, said in severall or diverse townes, shall be charged to find in each towne or parish (where the plough lands being in his occupying do lye) one Cart, Waine, Tumbrell, Wight Pot, or Court, Steads, Carres, or Drags, furnished for the affordment and repaying of the Highwaies, within the severall parishes where the said plough landes do lie, in such maner and forme, as if he or they were a Parishioner dwelling within the parishes, where the same severall plough lands do lie.

Every person or persons, that shall not reparaire,

repaire, ditch, or scower, any haies, fences, ditches, or hedges, adioyning to any highway, or common fairing way, or shall not cut downe or keepe low all trees and bushes, growing in, or next adioyning to any the said wayes, according to the true intent and meaning of the Act made in the fifth yere of the Quenes Maiesties reign that now is, for euery offence committed therein contrarie to the true intent thereof, shall forfait and lose for euery default tenne shillings. And all and euery person and persons, that shall occupie any landes adioyning to the said ground, so adioyning to any such highway, or common fairing way, where any ditching, or scouring should or ought to be, as aforesaid, shall from time to time, as neede shall require, ditch and scower in his or their ground so adioyning, whereby the water conueyed from the said highway, or common fairing way, ouer the ground next adioyning, may haue passage ouer the sayd ground, so next adioyning to that ground, vpon paine of forfeiture for euery time so offending, for euery Rodde not so ditched and scowred, *ry. 8.*

No person or persons hauing anie ground by lease or other wise, adioyning to any highway, or common fairing way, leading

leaving to anye Market Towne, shal cast
 or scowre any ditch, and throw, or lay
 the soyle thereof into the highway, and
 suffer it to lie there by the space of sixe
 Monethes, to the annoyauce of the said
 highway, or common fairing way, vpon
 paine of forfaiture for euery load of soyle,
 so cast into the highway, or common fair-
 ring way, in ditching or scowring xij. s.
 And where any heretofore haue bin so cast
 into the highway, or common fairing
 way, that there is a bank betwene the
 said way, and the ditch, it shalbe lawfull
 for the Surueiours and workmen, by the
 Lawes and Statutes of this Realme, ap-
 pointed for the amendement of the sayd
 wayes, to make sleuices, or other deuises
 by their discretions, to conuey the water
 out of the said way into the ditch: any
 law, right, interest, custome, or vsage, to
 the contrarie notwithstanding.

Euery penaltie, summe or sommes of
 money forfeited for any cause within the
 Statute, shalbe leued in euery parish by
 the Surueiours of the wayes within that pa-
 rish for the time being, by distresse, and
 sale of distresse, in maner and forme, as
 fines or amerciaments in Leetes haue bin
 vsed, and the money so leuyed, to be im-
 ployed vpon the highwaie, or common
 fairing

fairing way where the offence was committed. And if the Surveyors shall not or wil not leuie & employ the same within one yeere after the offence so committed, that then the said summe or summes, forfaiture or forfaitures, shall be leuied in fourme aforesayde, by the Constables or Churchwardeins of the Towne or Parish where the worke ought to bee done in the highway (as aforesayde) and that hee or they so leuying anie of the said penalties or forfaitures, shall make and yelde such account as is appointed in the before recited Statutes, or eyther of them.



THE

The Office of the Distributers
of the provision for the destru-
ction of noy some foule and
Verminne.

These Distributers S. El. c. 15
being so chosen, and c. 14. cl.
hauing money, (as cap. 11.
is before shewed in
the viij. Article of
the Churchwardens
office) shall giue &
pay of the same mo-
ney so to them deliuered to euery person
that shal bring to them any heads of olde
Crowes, Choughes, Wyres, or Rokes ta-
ken within the seuerall parishes for the
heads of euery thre of them a pennie: and
for the heades of euerie vij. yong Crowes,
Choughes, Wyres, or Rokes taken, as is
aforesayde a penie, and for euery vij. egges
of any of them vnbroken a penie: and like-
wise for e. Erie ij. Stares heads a penie.
All which said heads and egges, the saide
Distributers in some conuenient place shal
keepe, and shall euerie moneth at the least
bring forth the same before the sayde
Churchwardeins and taxors or thre of
them, and then and there to them shall
make

of the provision for the dest. Sec. 63

make a true account in writing, what money they have layed forth and payed for such heads and eggs, and for the heads of such other ravenous birds and vermine, as are hereafter in this acte mentioned. What is to say: for every head of Herton, Hanks, Fursekyte, Goltkyte, Buntard, Foragge, Carnevall, or Kingtaile, is. d. and for everie two egges of them, a penny: for every Iron or Dispaies head, iij. d. for the head of everie Woodcock, Phe, Jay, Warden or Wite, a penny: for the head of everie bird, which is called the Kings shyer, s. d. for the head of everie Bullfinch, or other bird, that devourerh the blouth of fruite, one penny: for the heads of every Foxe, or Grey, xij. d. and for the head of everie Fichewe, Holcat, Walsell, Stote, Faire, Wadge, or Whittecat, s. d. for the heades of everie Otter, or Hedgehog is. d. for the heades of everie thye Rats, or xij. pence, one penny, for the heades of every Goldwarpe, or Mant, an halfe penny: for the heads of everie which birds and vermine last mentioned, the last Distributers shal knowlse pay and give to the bringer of them, for everie head killed and taken within their severall parish, as befoze is limited, and shal kepe the same to be shewed forth upon their account in manner

E

and

and forme as is aforesayde. All which said beades and egges shal be forthwith after such account made in the p[re]sence of the sayd Churchwardeins, and Taxors, o[er] of thre of them, burned, consumed, o[er] cut in sunder. And if vpon any account to bee made in the end and determination of the office of any such Distributers, it shal appeare that any summe of money is remayning in the handes of the said Distributers, o[er] any of them, then the same shal be by Bill indented, as is aforesaid, deliuered ouer to such persons, as be o[er] shal be elected to the same Office, for the yere next following, by them to be distributed as is aforesayde. This shal not in anie wise extende, to giue anie libertie o[er] authoritie to anie person o[er] persons, to vse o[er] exercise anie meanes o[er] engine, for the destruction of Crows, o[er] Rookes, Choughes, o[er] other the vermine aforesaid in any place o[er] places, to the disturbance, let o[er] destruction of the building o[er] breeding of any kinde of Hawkes, Herons, Eggrittes, Paupers, Swannes, o[er] Shoulers: o[er] to the hurt and destruction of any Dooues, Doouehoules, Deere, o[er] warren of Coneyes, nor extend to giue o[er] appoint any summe o[er] summes of money to be giuen, payed, o[er] distributed, to any person

of the provision for the deſt. &c. 67

oꝛ persons, foꝛ the head oꝛ heades of any
Busard, Kingtaile, Werne, Polecat, Fitchew,
oꝛ Stote, taken in any Park, Warren, oꝛ
ground, imployed to the maintenance of any
game of Conies, oꝛ to any Stares taken in
Dovehouses, noꝛ to the killing oꝛ bringing
the head of any Hite, oꝛ Raven, killed in any
Citie, oꝛ Towne corporate, oꝛ within two miles
of the same.



E 2

The

68 The Office and dutie of the

The Office and dutie of the
Collectors, and Overseers,

*for the poore, settled in their
abiding places.*

In all the Justices of Peace in all the Shires of England and Wales, and the Bailiffs, Shirifes, and other Officers of the Cities, Boroughes,

14. El. ca. 5
18. El. cap. 3.

and Franchises whereof they be Justices of Peace, hauing appointed within the limits of their seuerall authorities conuenient abiding places for settling of the poore people, and hauing also assessed the inhabitants within the same limits towards a weekly contribution for the reliefe of the same poore people, ought then also to appoint Collectors, and Overseers, for one whole yeare, which said Collectors shall gather the said weekly contribution, and shall make deliuerie of so much thereof to the said poore people, as the said Justices, Bailiffs, Shirifes, Bayliffs, and other Officers shall appoint them. And if the said Overseers shall refuse to be overseers, then euery of them so offending

offending, shall forsaith tenne shillings for every such default. And if any person so appointed to be Collector, shall refuse the said office, or shall (after he hath agreed to it) neglect the same, he shall lose for every offence to the use of the poore of the same place fortie shillings.

The said Collectors, and every of them, to be chosen, as is aforesaid, shall make their iust account every half yere of the said collection and gathering, to two Iustices of the Peace, dwelling next the said abiding place or places, not being within any Citty, Borough, or Town corporate: or to the Mayor, or other chiefe Officers of such Citty or Townes corporate, and when they go out of their Offices, they shall deliver, or cause to be delivered forthwith upon their accounts, all such surpluses of their Collection and gathering, as shall then remaine undistributed, to be ordered by the said Iustices, Mayors, Bailifes, or other head Officers, upon the pain of tenne poundes. If any such Collector shall refuse to make his said account, or neglect the same by the space of fourteene dayes after request to hym therfore made: then the said two Iustices, or one of them, may commit the said Collector to the next Gaole in the said Countie,

70 The Office and durie of the

there to remaine without Baile or Main-
prife, till he haue made his said account,
and immediate payment, and deliuerie, of
all such Surpluses as he hath receiued.

No person or persons, hauing charge
in any voyage, in passing from the Realme
of Ireland, or from the Isle of Man into
the Realme of England, do wittingly, or
willingly transport, bring, carrie, or con-
uey, or suffer to be transported, brought,
carried, or conueyed, in any ship, pycard,
vessel, boat, or boates, from and out of the
said Realme of Ireland, or from, or out of
the said Isle of Man, into the Realme of
England or Wales, or any part thereof, any
Vagabond, Rogue, or Begger, or any
such as shal be forced, or perie like, to liue
by begging within the Realmes of Eng-
land or Wales, being borne in the Realme
of Ireland, or in the said Isle of Man, on
paine of euery such person or persons, so
bringing, transporting carying, & conuey-
yng, either suffering to be brought, trans-
ported, carried, & conueyed, in maner and
forme aforesaid, to forfeit and lose for e-
uery such Vagabond, Rogue, Begger, or
other person, which shal be forced, or like
to liue by begging within this Realme of
England or Wales, being transported, and
set on land in any part of England, or of
Wales,

Wales, twenty shillings of lawful English money, to the vse of the poore of the same parish in which they were set on land, to bee leuied by the Collectors of the same poore for the time being, by seisure and selling of any of the goods and cattels of the same person which shall so bring, transport, carrie, or conuey any such Rogue, Vagabond, or begger, or other person which shal be forced or like to liue by begging, within the Realme of England or of Wales, to the value of the same forsaithre.



The Office of the Collectors
and Governours of the
Poore.

In every Citie and
Towne Corporate
within this Realme,
a competent Store &
Stock of wool, hemp,
flax, yron, or other
Stuffe by the appoint-
ment and order of
the Maior, Bailles, Iustices, or other
head Officers, having rule in the said Ci-
ties or Towns Corporate (of themselves,
and all other inhabitants within their se-
veral authorities, to be taxed, leuied, and
gathered) shall be prouided. And that
likewise, in euery other Market towne
or other place, within euery countie of
this Realme, (where to the Iustices of
the Peace, or greater part of them, in
their generall Sessions yerely next after
Easter, within euery limit shalbe thought
meete and conuenient) a like competent
Store and Stocke of Wool, flaxe, Iron, or
other Stuffe, as the Countrey is most
meete for, by appointment and order of
the sayd Iustices of Peace, or the greater
part

18. El. ca. 3.

parte of them in their generall Sessions,
(of all the inhabitants within their sene-
rall authorities to be taxed, levied, and
gathered) shall be provided. The sayde
shoes and stockes, in such Cities and
townes corporate, to be committed to the
hands and custodie of such persons, as shal
by the Maior, Bailiffes, Iustices, or other
head Officers, having authority in every
such Citie or Towne Corporate be ap-
pointed; and in other Townes and places,
to such persons, as to the sayde Iustices of
Peace, or the greater part of them in
their said general Sessions of the peace in
their sene-ral Counties shall bee by them
appointed. Which said persons so appoin-
ted as aforesayde, shall have power and
authoritie (by the aduise of them who doe
appoint them) to dispose, order, and giue
rules, for the diuision and manner of wor-
king of the sayde stockes and shoes, who
shall from henceforth be called, the Col-
lectors and gouernors of the poore, to the
intent euery such poore and needie per-
son, olde or yong, able to doe anie worke,
standing in necessitie of reliefe, shall not
for want of worke goe abroade, eyther
begging, or committing pilfrings, or o-
ther misdemeanour liuing in idleness:
which Collectors and Gouernours of the
poore,

poze from time to time (as cause requi-
 reth) shall and may of the same stock and
 store, deliuer to such poze and needie per-
 son, a competent portion, to be wrought
 into yarne or other matter, within such
 time, and in such sort, as in their discreti-
 ons shall be from time to time limitted and
 prefixed, and the same afterwards being
 wrought, to be from time to time deliue-
 red to the sayd Collectors and Gouvernors
 of the poze: for which they shall make pai-
 ment to them that worke the same, accor-
 ding to the desert of the worke: and shall
 of new deliuer more to be wrought, and
 so from time to time to deliver stufte vn-
 wrought, and to receiue the same againe
 wrought, as oft as cause shall require:
 which Hemp, Woll, Flax, or other stufte,
 wrought from time to time shall be solde
 by the sayde Collectors and Gouvernors
 of the poze, either at some Market, or other
 place, and at such time as they shall thinke
 mete, and with the money conning of
 the sale, to buy more stufte, in such wise as
 the stockes or store shall not be decayed in
 value. And if hereafter anie such person
 able to doe any such worke, shall refuse to
 worke, or shall go abroad, begging, or liue
 idely, or taking such worke that spoile or
 imbeles the same, in such wise, that (after
 monition

monition giuen) the Minister or Church-
wardeins of the parish, and Collectors and
Gouvernors of the poore, or the more part
of them, shall thinke the same person not
mete to haue any more worke deliuered
out of the same store or stocke, that then
vpon Certificat made vnder their handes,
and brought by one of the said Collectors
and gouernors of the poore, to the handes
of such person or persons, as shal in that
Countie haue the oversight and gouerne-
ment of one of the houses of Correction, in
conuenient apparel, mete for such a bodie
to weare, he, she, or they, from such towne,
place, parish, shall be receiued into such
house of Correction, there to be straitely
kept, as well in diet, as in worke, and also
punished from time to time, as to the said
persons, hauing the oversight and gouern-
ment of the said house of Correction shall
be appointed, as hereafter is declared. All
which stockes and stores, shalbe provided
and deliuered to the hands of the said

Collectors and gouernors of the
poore at all times hereaf-

ter, as occasion
shall serue.

The

76 The duties of the Censors and
 The duties of the Censors
 (or VVardeins) and of
 the Collectors for the houses
 of Correction.



Within every county 18. El. a. 3
 of this Realm, one,
 two, or more aby-
 ding houses, or pla-
 ces convenient in
 some Markettown,
 or corporate town,
 or other place or
 places, by purchase, lease, buying, or o-
 therwise, by the appointment and order of
 the Iustices of Peace, or the more part of
 them in their generall Sessions (of the in-
 habitants within their severall authori-
 ties to be taxed, levied, and gathered) shal
 be provided and called the house or houses
 of Correction: and also stocke and store,
 and implements, to be in like sort also pro-
 vided, for setting on work and punishing,
 not onely of those which by the Collectors
 and gouerouris of the poore, for causes a-
 foresaid, to the said houses of correction,
 shall be brought, but also of such as be, or
 shal be, inhabiting in no parish, or be, or
 shall be taken as Rogues, or once puni-
 shed as Rogues, and by reason of the un-
 cer:

Collectors for the houses of correct. 77

certaintie of their birth, or of their dwelling by the space of three yeeres, or for any other cause, ought to be abiding and kept within the same County: which said house or houses of Correction, with stocks, stocks, & implements appointed for such houses of Correction, shall be provided in every Countie, within such time as to the Justices of peace, or the more part of them in these said generall Sessions of the peace in every Countie, within their severall jurisdictions, shall be thought more and convenient, so as it exceeds not two yeeres after taxation in such Countie for that purpose made, or else the money lent to be repaid. And that every person refusing to pay, or not paying such summe of money, towards the making, obtaining, and furnishing of the said houses of Correction, and buying of stocks and stocks, and for the chiefe and sustentation of such persons as shall be appointed to the said houses of Correction, as upon them or any of them, shall be by order aforesaid taxed, and at such time (as by the same order shall be appointed) shall for every default forsaie double so much as he or they shall be so taxed unto. And the said Justices of peace, or the more part of them in their said generall sessions in every Countie, shall and may appoint

78 The duties of the Censors and

appoint from time to time, persons which shall be Overseers of every such house of Correction, which said persons shall be called the Censors and Wardens of the houses of Correction, and shall have the rule, government, and order of such houses of Correction, according to such orders, as by the said Justices of Peace, or the more part of them in their generall Sessions in every Countie, shall be prescribed. And the said Justices shall also appoint others for the gathering of such money, as shall be taxed upon any person or persons, within their severall jurisdictions, towarde the maintenance of the said houses of Correction, which shall be called the Collectors for the houses of Correction: And if any person or persons refuse to be Collector and governour of the pore, or Censor and warden, or Collector, of, or for any the houses of Correction, every person so refusing, shall forfeit and lose the summe of five li. And all and singular person and persons, appointed by the authoritie of this act to be any Collector and Governour of the pore, or Censor and Warden, or Collector for any the houses of Correction in any Countie, Citie, towne corporate, or other place in this Realme, shall as often as they, or any of them shall be called thereto by the persons

Collectors for the houses of correct. 99

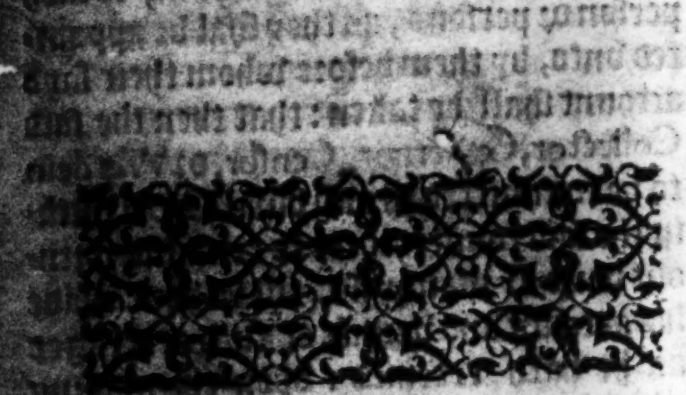
persons hauing the appointment of them, make a iustt account of al such summe or summes of money or other things, as they or any of them haue gathered, had, or raised in comoditie, within their seuerall collections or charge: and if any such Collector, or gouernor of the poore, Collector, Censor, or Wardeine of or for the houses of Correction, refuse to make such account, or neglect the same by the space of xiiij. dayes next after request therfore to him made, or shal not within one weeke, after such account rendred, yeld and pay the whole arrerages, which he or they (vpon such account) shal be found in, to such person or persons, as they shal be appointed vnto, by them before whom their sayd account shall be taken: that then the said Collector, Gouernor, Censor, or Wardein to be committed to any vsual Gaole within the said county, there to remaine without baile or mainprise, till he haue made his account and paymet of such arrerages as he hath receiued: vpon the making of which account it shal & may be lawfull to such persons as haue the appointment of the said Collectors and gouernors of the poore, Censors, Wardens and Collectors of the houses of Correction (euerie of them within their authozitic to allow, as well such

26 The duties of the Censors, &c.

such reasonable allowance to enerie the
said Censors, Governors of the paise,
Censors, Wardens, and Collectors, of the
houses of correction, for such money as they
or any of them have employed or disbursed
in the execution of the sayde severall
offices, as also such reasonable fees and
charges for their paimes taken in

that behalfe, as to them
shall be thought con-
venient and rea-
sonable.

FINIS.



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